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March 5, 1999

CALFED Bay-Delta Program
1416 Ninth Street, Suite 1155
Sacramento, CA 95814
Attn: Steve Ritchie

Dear Mr. Ritchie:

I want to commend you on the proposed CALFED Urban MOU Conservation Compliance Certification Workshop held in Visalia. All of the presenters were well prepared and disseminated their positions clearly. This information should be supplied to all parties which may be affected by any such proposal prior to its adoption.

Without getting too involved with specific aspects of the proposal, both plans appeared to be more concerned with the process than the results. The plans focused in on specific conservation activities which someone has determined are the best practices to implement to manage your service area, otherwise known as BMP's. At first glance, there seems to be some latitude as to whether or not a utility is required to implement the BMP by demonstrating that the BMP is not cost-effective. The only problem though seems to be a lack of criteria or at best a broad range for determining whether a BMP is or is not cost-effective for the utility. It was stated that the criteria would be developed and refined at a later time. Assuming an acceptable set of criteria is developed, I would still have concerns as to who will be interpreting the guidelines to determine cost-effectiveness. A liberal interpretation of the guidelines such as the "environmental benefits" could make any and all BMP's "cost-effective" and therefore a requirement prior to certification. The KCWA/BVCSD proposal attempts to address most of these pitfalls and would be more palatable than the CUWA/EWC although neither would be acceptable.

My general impression of the entire MOU leads are to believe that the process is more concerned about the various conservation requirements or BMP's as opposed whether or not water conservation is actually achieved. It seems to me that this process might be best served by concentrating on the desired results and less focused on how the results are to be achieved. Specific measurable standards could be established which would meet the overall conservation goals of the state while at the same time allowing each utility to develop the most effective program for their particular service area.

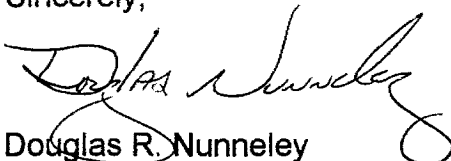
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Setting a specific usage such as an average gallon per capita/year or average gallon per residential connection per year or other similar specific goal while giving consideration to the specific area's temperature, rainfall, etc. would provide a standard to be achieved and leave it up to the utility to determine what conservation method would be the most effective. Each water purveyor must work with their specific community which has a unique characteristic and personality of its own and trying to force specific conservation practices upon them is destined for disaster or at best resistance. In addition, entities that currently have or eventually develop a water re-use program could be given some type of credit for the program.

This approach appears to be similar to the first stab at developing the SDWA. Originally the act attempted to dictate to the utilities what type of treatment would be required if a contaminant was detected in the water supply. Their focus was on requiring the utility to use the Best Available Technology (BAT) to treat the contaminant. There was considerable controversy over what was the BAT for each circumstance and who would determine the BAT. The final outcome was to set standards for the contaminants or maximum contaminant levels (MCL's) and leave it up to the individual utility as to how they were achieved. The only time the BAT's were enforced is if a utility could not meet the MCL's then they were required to implement the BAT in order to be in compliance.

One point of clarification in setting the conservation goals or standards is that they should not be set as a percentage reduction of some previous year's usage. This only penalizes those entities who have been concerned about the efficient use of water in their area and rewards those who have not been concerned in the past. Setting a standard that is consistent statewide while considering particular climatic conditions of each area would provide each utility the necessary standards in which to perform against. In the event the standards are not achieved then the requirement to implement the BMP could have some validity.

Sincerely,


Douglas R. Nunneley
General Manager

cc: KCWA